

EROSION AND SEDIMENT CONTROL REGULATIONS 4VAC50-30

APPENDIX A.1

REVIEW AND EVALUATION OF A LOCAL EROSION AND SEDIMENT CONTROL PROGRAM

PART I: ADMINISTRATION

The following checklist shall be used in reviewing the administration component of a local erosion and sediment control program, minimum standards of effectiveness in accordance with §10.1-561 of the Code of Virginia and regulations 4VAC50-30 and 4VAC50-50.

- ___ Locality has a certified Program Administrator or a person who meets the provisions in the definition of certified program administrator.
- ___ Plans are reviewed by certified plan reviewer or by a person who meets the provisions in the definition of a certified plan reviewer.
- ___ Inspections are performed by certified inspector or by a person who meets the provisions in the definition of a certified inspector.

Local ESC Ordinance Review

** Denotes items that are required by state law or are deemed by the Board to be essential in order for the ordinance to meet minimum standards of program effectiveness.

- ___ Authority section referencing state code

Definitions (Reference to §10.1-560)

- ___ Agreement in Lieu of a plan for single family residences
- ___ Applicant, owner, permittee, person, or other (as appropriate)
- ___ Certified Inspector
- ___ Certified Plan Reviewer
- ___ Certified Program Administrator
- ___ District/Soil & Water Conservation District

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___ Erosion Impact Area

___ ** Land-disturbing Activity

Exemptions

___ ** Minor land-disturbing activities (landscaping, home gardening, etc.)

___ ** Individual service connections

___ ** Underground utilities on hard surface roads

___ ** Septic systems

___ ** Mining

___ ** Exploration for gas and oil

___ **Agricultural, silvicultural, horticultural, & agricultural engineering

___ **Exception for ponds required to comply with the Dam Safety Act

___ **Forestry exception (requirement to reforest or convert to bonafide agriculture or improved pasture use)

___ ** Railroad repair, rebuilding, other facilities

___ ** Less than 10,000 square feet (may be reduced)

___ ** Fence, post, poles, signs

___ ** Shore erosion control projects (not required for localities outside of the tidal zone)

___ ** Emergency Work

___ Land Disturbing Permit/Permit

___ Plan

___ Plan-approving Authority

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- ___ Program Authority
- ___ Responsible Land Disturber
- ___ Single Family Residence/Home/Dwelling

Local Program

- ___ ** Designate Plan-approving Authority
- ___ ** Adopt Virginia Erosion and Sediment Control Regulations or more stringent standards as an integral part of the program.
- ___ ** Designate design standards to be used in plan review and inspection (e.g., VESCH, VSWMH, local manual, etc.)

Regulated Land-disturbing Activities: Submission and Approval of Plans

- ___ ** No land-disturbing activity allowed without an approved plan or agreement in lieu of a plan
- ___ ** State agency project exemption
- ___ ** Board option for plan approval of multi-jurisdictional projects
- ___ ** Board approval of linear utility & railroad projects
- ___ ** 45-day (maximum) plan review
- ___ ** Written response within 45 days
- ___ ** RLD to be designated on plans
- ___ Plan can be changed if:
 - ___ Inspection reveals inadequacy (agreement not required)
 - ___ Controls are unnecessary due to changed circumstances, request for variance, etc. (plan-approving authority must approve)
- ___ Variances must be requested and approved in writing
- ___ ** Owner is responsible for plan

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Approved plan required for issuance of permit, securities

- ___ ** No permits which authorize land-disturbing activity issued without approved erosion and sediment control plan
- ___ ** Certification to carry out plan
- ___ Provision to require security
- ___ Refund of security within 60 days of adequate stabilization

Monitoring, Inspections

- ___ ** Locality must provide for periodic inspections
 - ___ ** Periodic inspections are defined as stated in VESCR 4VAC50-30-60B., or this reference is cited
- ___ ** Notice of inspection given to responsible party
- ___ ** Procedures for issuing Notice to Comply
- ___ ** Designate inspector/inspection department (i.e. position, agency or Dept.)
- ___ ** Provisions for issuing stop work order and revoking permit

Appeals

- ___ ** Appeals must be filed within 30 days (minimum)
- ___ Appeal district decision (if applicable)
- ___ Judicial appeal

Penalties and Other Legal Actions

- ___ ** Class I Misdemeanor (not required if the locality has adopted a schedule of civil penalties)
- ___ Civil penalty
- ___ Civil fines/Civil Charges/Administrative Fines

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Administration Evaluation

The following guidelines shall be used in evaluating the administration component of a local erosion and sediment control program.

- ___ Inconsistent
One or more of the required items are not included

- ___ Consistent
This rating applies to programs that contain all the required items in the checklist.

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PART II: PLAN REVIEW

The following checklist shall be used in reviewing the plan review component of a local erosion and sediment control program, minimum standards of effectiveness in accordance with §10.1-561 of the Code of Virginia and regulations 4VAC50-30 and 4VAC50-50.

Required items for Local Plan Review:

- ___ Approved plans are required prior to commencement of land disturbing activity
- ___ Responsible Land Disturber's signature is required
- ___ Plans are reviewed within 45 days of receipt.
- ___ Plans which are not deemed adequate are required to be revised prior to approval.
- ___ Plan reviewer states in writing the reason(s) for disapproval and specifies the modifications, terms, and conditions that will permit approval of the plan.
- ___ Approved plans comply with state Minimum Standards for controlling erosion and the locally-adopted design criteria or an appropriate variance is granted.
- ___ Content of approved plans meets the guidelines outlined in the VESCH or more stringent local requirements (i.e. complete narrative, adequate calculations, adjacent areas addressed etc)
- ___ Variances are requested & responded to in writing
- ___ Locality maintains a copy of approved plan or agreement in lieu of plan & all associated documentation until final stabilization is achieved.

Plan Review Evaluation

The following guidelines shall be used in evaluating the plan review component of the local erosion and sediment control program.

- ___ Inconsistent
One or more of the required items are not included.
- ___ Consistent
This rating applies to programs that contain all the required items in the checklist.

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PART III: INSPECTION

The following checklist shall be used in reviewing the inspection component of a local erosion and sediment control program, minimum standards of effectiveness in accordance with §10.1-561 of the Code of Virginia and regulations 4VAC50-30 and 4VAC50-50.

Required Items of Local Inspection Program:

- ___ Inspections are conducted during or immediately following initial installation of erosion and sediment controls.
- ___ Inspection frequency satisfies the requirement in 4VAC50-30-60 of the Regulations.
 - ___ Inspections are conducted at least once in every two week period
 - ___ Inspections are conducted within 48 hours of runoff-producing storm events.
 - ___ If no, the locality has implemented a Board approved Alternative Inspection Program
- ___ Inspections are documented on report/violation forms, inspection diary, etc. Documentation includes project name, date, violations, and other essential information.
- ___ Record of inspections assures quality of inspections is adequate by noting all violations, deadlines for correcting violations, and changes or maintenance that are required.
- ___ Sites inspected during the program review process meet the VESCR Minimum Standards

Inspection Evaluation

The following guidelines shall be used in evaluating the inspection component of a local erosion and sediment control program.

- ___ Inconsistent
One or more of the required items are not included.
- ___ Consistent
This rating applies to programs that contain all the required items in the checklist.

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PART IV: ENFORCEMENT

The following checklist shall be used in reviewing the enforcement component of a local erosion and sediment control program, minimum standards of effectiveness in accordance with §10.1-561 of the Code of Virginia and regulations 4VAC50-30 and 4VAC50-50.

Required items for the Local Enforcement Program:

- ___ Locality maintains record of written notification of violations (i.e. documentation of enforcement actions pursued). Notification must be in accordance with Virginia Erosion and Sediment Control law.
- ___ When informal contact/verbal warning is unsuccessful in correcting violations, notices to comply or other enforcement action are issued.
- ___ Notice to Comply orders contain specific measures or corrections which need to be made and specify deadlines for completion.
- ___ Stop Work Orders, court action, bond revocation, or other appropriate actions are initiated after notice to comply deadline has passed without compliance with the order.
- ___ Locality pursues enforcement action at increasingly greater levels of severity until all violations are resolved.

Enforcement Evaluation

The following guidelines shall be used in evaluating the enforcement component of a local erosion and sediment control program.

- ___ Inconsistent
One or more of the required items are not included.
- ___ Consistent
This rating applies to programs that contain all the required items in the checklist, and consistently enforce program requirements by a written notice, notice to comply, stop work order, or other appropriate action.